REMARKS

The Examiner has rejected claims 4-17 under 35 USC 103(a) as being unpatentable over Franczek et al. (U.S. Patent No. 5,987,610) ("Franczek") in view of Ji, et. al. (U.S. Patent No. 5,623,600) ("Ji") and the Microsoft Computer Dictionary's ("Microsoft") definition of "parser." (p. 392)

Applicant did not receive the Microsoft reference, nor was it listed in Applicant's copy of Notice of References Cited received from the PTO. Applicant requested a copy of the reference from the Examiner, but one was never provided to Applicant. Therefore Applicant assume the reference is to the Microsoft Computer Dictionary, 5th Ed. (Microsoft Press 2001.) The page cited by the Examiner (p. 292) in the Microsoft reference does not contain any of the material cited, however, Applicant believes the Examiner's citation is to "parser" appearing on page 392.

Applicant cannot agree with the Examiner's position and respectfully traverses the Examiner's rejection of all claims.

The Examiner's position is internally inconsistent. The Examiner's position is internally inconsistent because she is equating an element of claim 4, a protocol parser, with two different elements of the art, Ji's proxy server and Microsoft's parser. Neither the protocol parser of claim 4, nor the proxy server of Ji, nor the parser of Microsoft, are the same thing.

First, in attempting to equate Ji's proxy server with the protocol parser of claim 4 the Examiner states that:

Ji et al. discloses protocol parser (44) intercepting secure code being transmitted

through the communications channel (see fig. 2, sheet 2, col. 7, lines 29-50).

The reference to 44 of Ji appears to be a reference to the memory (44) of Ji. Since the Examiner can't mean Ji's memory (44) is the same as claim 4's protocol parser, the Examiner apparently means that Ji's FTP and SMTP proxy servers, operating in the memory 44, are the same as the protocol parser of claim 4 (col. 7, lines 29-50 of Ji; see also the prosecution history of related application 09/800,314 and parent 09/244,154, where the Examiner made similar points.)

The Examiner then states that:

> Although, Ji et al. discloses a protocol parser Ji et al. does not provide motivation to use a parser. The Examiner looks towards Microsoft Computer Dictionary to provide motivation. Thus, it would have been obvious to include Ji et al. and Microsoft Computer Dictionary protocol parser, with the system of Franczek et al., the motivation is that a parser breaks input into smaller chunks so that a program can act upon the information (see pg. 292 of Microsoft).

This seems to mean that Ji and Microsoft have the same parser, and the definition in Microsoft provides the motivation to use Ji – because the parser of either Ji or Microsoft breaks input into smaller chunks. But this is wrong – Microsoft's "parser" has nothing to do with Ji's proxy server, and neither has anything to do with the protocol parser of claim 4.

Taking the former point first, Microsoft's "parser" has nothing to do with Ji's proxy server because Microsoft's Dictionary has a different definition for parser and proxy server. If parser equaled proxy server they should have the same definition. But they don't. Microsoft defines parser as:

> **parser** n. An application or device that breaks data into smaller chunks so that an application can act on the information. *See also* parse. (p. 392, copy enclosed)

Microsoft defines proxy server as:

> **proxy server** n. A firewall component that manages Internet traffic to and from a local area network **(LAN)** and can provide other features, such as document caching and access control. A proxy server can improve performance by supplying frequently requested data, such as a popular Web page, and can filter and discard requests that the owner does not consider appropriate, such as requests for unauthorized access to proprietary tiles. *See also* firewall. (p. 428, copy enclosed)

Those are two separate definitions, and so the Examiner cannot assume parser equals proxy server.

Since Ji's proxy server, then, is different than Microsoft's parser, Applicant respectfully traverses the Examiner's rejection based on Microsoft providing the motivation to combine Ji with Franzcek. The Examiner may well be right that it would be desirable to use Microsoft's parser "in order to break[] input into smaller chunks so that a program can act upon the information," but that is not an element of claim 4. The protocol parser of Applicant's claim 4, as Applicant has noted in parent 09/244,154, functions to:

> Figure 4 further illustrates an embodiment of the method and system in which, during scanning, the NTI 40 may be used in conjunction with parsers to track the state of and modify the behavior of selected protocols. This function is performed by the Protocol Parser 41. Parsers are used to discriminate among different protocols implemented on top of the transport layer.

See also Microsoft's Microsoft Security Bulletin, MS00-083 discussing the use of protocol parsers in Network Monitoring Software, at p. 3, copy enclosed and available at www.microsoft.com/technet/security/bulletin/MS00-083.mspx.

In other words, by using a protocol parser, the invention of claim 4 is able to interpret packets or frames, if desired. This means that the initial part of a received frame is decoded for the protocol header that it contains. The protocol parser of claim 4 does

not have anything to do with breaking input into smaller chunks – the input, if it is in a frame, is already in smaller chunks.

Thus, Applicant submits, the Microsoft reference to parser as motivation since it "breaks input into smaller chunks" is misplaced. If the Examiner agrees, and removes the reference, the motivation does not exist for the combination she has posited.

Thus, Applicant respectfully traverses the rejection to claim 4.

It is incidentally submitted that the Examiner is not correct in equating the proxy server of Ji to the protocol server of claim 4. Ji's FTP and SMTP proxy servers operates on FTP and SMTP files and messages **only**. That means that there is no need for a protocol parser – the protocols that Ji's proxy server operates on are predetermined: File Transfer Protocol and Simple Message Transfer Protocol. Thus there is no need to parse protocols.

Claim 5-7 depends from claim 4, and the above arguments with regard to the elements of claim 4 also apply here. Therefore, these claims are allowable, Applicant submits, as being dependant from an allowable base claim.

Claim 8 has been rejected on the same basis as claim 4, and thus the arguments applicable to that claim also apply here. Claim 8's dependant claims, 9-11, are similarly allowable.

Claim 12 has been rejected on the same basis as claims 4 and 8. Thus, Applicant submits, the above argument with regard to claim 4, which was also applied to claim 8, also applies here. Claim 12's dependant claims 13-17 are similarly allowable.

Conclusion

Claims 4-17 define patentable subject matter over the art of record and are not

anticipated by nor obvious in view of the references of record. A Notice of Allowance is respectfully solicited.

Respectfully Submitted,

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